

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY A. WHITMORE,

Plaintiff,

v.

PIERCE COUNTY DEPARTMENT OF  
COMMUNITY CORRECTIONS *et al.*,

Defendants.

Case No. C05-5265RBL

ORDER DENYING MOTION TO  
SUBMIT EVIDENCE AND MOTION  
TO COMPEL

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court are plaintiff's motions regarding mental health services at the Pierce County Jail. He seeks to submit evidence as admissible simply by filing the same. (Dkt. # 109). Plaintiff also asks the court to "encourage and permit" the U.S. Public Health Service to inspect the Pierce County Jail (Dkt. # 109). In his final request in this pleading, Mr. Whitmore asks the court to issue a subpoena and order the Washington State Department of Corrections supply him with information he requested under the Freedom of Information Act (Dkt. # 109).

The parties may submit discovery. Usually discovery or documents a party wishes the court to consider are submitted as exhibits or attachments to motions. This allows the court to consider if

1 the documents are relevant and allows the court to rule on the admissibility of the documents. The  
2 court, however, cannot make evidentiary rulings without knowing the argument the documents  
3 support.

4 The documents filed by Mr. Whitmore are now in the record and may be referenced by either  
5 party in future motions. They will be considered as evidence only if the court finds them admissible.  
6 The court cannot consider them as evidence at this point in time. The motion to consider the  
7 documents as evidence is **DENIED WITHOUT PREJUDICE**.

8 An inspection by the U.S. Department of Health would not show the conditions during the  
9 time frame relevant to this action, 2004. Further, if plaintiff wishes to pursue discovery from any  
10 entity he needs to read and follow the Federal Rules of Civil Procedure and this Courts' Local Rules.  
11 This motion is **DENIED**.

12 According to plaintiff, the Washington States Department of Corrections response to his  
13 Freedom of Information Act request was to inform him there is no document or report that answers  
14 his questions. He now seeks to subpoena information by compelling the Department to conduct  
15 research and answer his Freedom of Information Act questions. If plaintiff wishes to pursue  
16 discovery he needs to read and follow the Federal Rules of Civil Procedure and this Courts' Local  
17 Rules. This motion is **DENIED**.

18 The clerk is directed to send a copy of this order to plaintiff and counsel for defendants.  
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20 DATED this 30 day of January, 2007.  
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22 /s/ J. Kelley Arnold  
23 J. Kelley Arnold  
24 United States Magistrate Judge  
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